



Delicate dances: New immigrants' experiences after a work-related injury



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Contact information

Additional copies of this report and the full study report on which it is based are available at:

www.iwh.on.ca/immigrant-workers-experiences

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*I used to say, "My shoulder is hurting. I don't know what to do with it." But nobody listened to me...And at that time I was new; I was a newcomer there. I didn't have the language, didn't know what's going on. I wasn't educated enough. I never spoke to people... you know what I mean? So I just keep quiet, just [keep] working. What can I do? I did not have the knowledge. I didn't know what was going on in this country. I didn't know you had the right to complain or you have the right to claim something. ■ **Mina**, injured immigrant worker*

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Introduction

Immigrants often come to Canada for the purpose of work, and they make up a large proportion of our labour force. Yet, these workers' experiences on the job are not always positive. New immigrant workers can have difficulties finding a job in their field and may end up working in "survival jobs" that expose them to workplace hazards. Workers who are new to Canada may not be familiar with laws designed to protect them at work or with social programs that can help after a work-related injury.

The Institute for Work & Health conducted a study to explore the experiences of new immigrants after they were injured on the job. The study looked at workers' knowledge of their rights, encounters with employers and health-care providers, and workers' experiences with injury reporting and claim filing. This report describes this study and what it found.



How was the study done?

During this study, in-depth interviews were conducted with 14 service providers who worked closely with new immigrant workers. These service providers included physicians, settlement workers, workers' compensation employees and legal representatives. Researchers also interviewed 28 new immigrants who had experienced a work-related injury. Most of these workers had emigrated from Asia and the Middle East, and had arrived after 1996. Eight of these 28 workers had not filed a workers' compensation claim after their injury.

Findings

The study revealed that the problems facing new immigrants after a work-related injury were not always different from those facing Canadian-born workers. Yet some of the issues raised in this study were magnified for the workers interviewed because they were newcomers.

*I think one of the big problems is that maybe immigrants went to school and they have to learn to use some tools for doing some jobs that they don't have any experience [in] and **it's very dangerous**. Because they don't have, we don't have the idea to use some tools. [...] Many of the immigrants used to be doctors, lawyers, engineers and they have to use the machine for cleaning, for work in factory, [and] they don't have skills.*

▪ **Sebastian**, injured immigrant worker

New immigrants had **trouble finding work in their field** and often ended up doing “**survival jobs**”—that is, manual labour, heavy and repetitive work that they had never done before. As a result, these workers were unfamiliar with the pace of their new work and with the tools or machinery they were now using. At the time of their injury, **many workers had not received job or occupational health and safety training**, did not speak English well and did not know very much about their rights. These factors contributed to workers’ vulnerability.

LIFT WITH LEGS



Despite these challenges, **almost all of the workers told an employer or health-care provider about their injury**. This, however, did not always lead to timely or **appropriate claim filing**. Researchers heard many instances of health-care providers being told that an injury had occurred at work but a claim was never made. Instead of reporting an injury to the WSIB upon hearing of the injury, some employers

[The boss] say, “Okay, you know what? You have to come every day; every day you have to come. We’re going to send taxi. Every day taxi is going to bring you here, take you home. You don’t do nothing: you go to medical room, you lay down. When you come in, you have to punch your card and go lay down.” So, I say, “What, how, how I get up...I am so [sick] this morning ... I don’t brush my [hair]. I don’t take care of [myself]. How I come here like that?” He said, “That is rule you have to follow. You come here, you lay down in the medical room. That’s what you do.”

▪ **Hatti**, injured immigrant worker

offered time off work to the injured worker. Sometimes supervisors ignored the fact that a worker was injured. Sometimes workers were misled about their rights. And sometimes workers were told to return to work, right away—even if they were still in a lot of pain.

Such behaviour was possible because the likelihood of further complaint was unlikely. Workers had little knowledge of their rights and did not want to risk losing their jobs. Many workers wanted to secure housing, sponsor family members or send money back home. These factors made it very important for them to keep their jobs.



Workers' challenges with a new language also affected their experiences with the workers' compensation system. Communication problems were common and led to mistakes being made on forms, and to misunderstandings with the adjudicator and employer that sometimes made the worker appear uncooperative. And this often had a negative impact on the workers' claim. [Interpretation services were not always offered consistently or at the correct time](#) in the compensation process. This led to further problems.

Recommendations

Information and resources for the worker

Information about employment standards, occupational health and safety rights and workers' compensation should be included in job search and language training classes offered to new immigrants when they are preparing to enter the labour force. If possible, this information should also be provided prior to arrival in Canada or shortly after—the sooner, the better.

Resources in the workplace

Workplaces where there are high concentrations of immigrant workers and other vulnerable groups should be targeted for health and safety inspections and for injury prevention programs, regardless of previous claims records. Efforts should also be made to protect workers when a claim is filed. Information should be available about alternative income support programs, and workers must have access to free legal information in their native language (or at least access to high quality interpretation services).

Further, efforts must be made by the WSIB and the Ministry of Labour to ensure that employers and health-care providers fulfill their responsibilities of consistent and timely reporting of workplace injuries. This can be done through a series of incentives and fines (when a report is not filed when it ought to be).

Resources at the Workplace Safety and Insurance Board

New and improved ways are needed to advertise and promote WSIB services for new immigrants to make newcomers aware of these services. To help overcome language barriers, interpretation services should be offered at the start of a claim and this offer should be repeated several times throughout the process. Forms 6 and 7 (used to file a claim) should be offered in languages other than English and French.

I see these people try to talk to the adjudicator themselves... because a lot of the time...the adjudicator thinks that they understand along the conversation. And all of sudden, you know, one month later, they said, "No, I don't understand what you are telling me"Maybe they think they understand. For some reason, if they have a general ideal how to say English...but when things get more complicated...they fare better to have an interpreter there to explain.

▪ **Beverly**, service provider

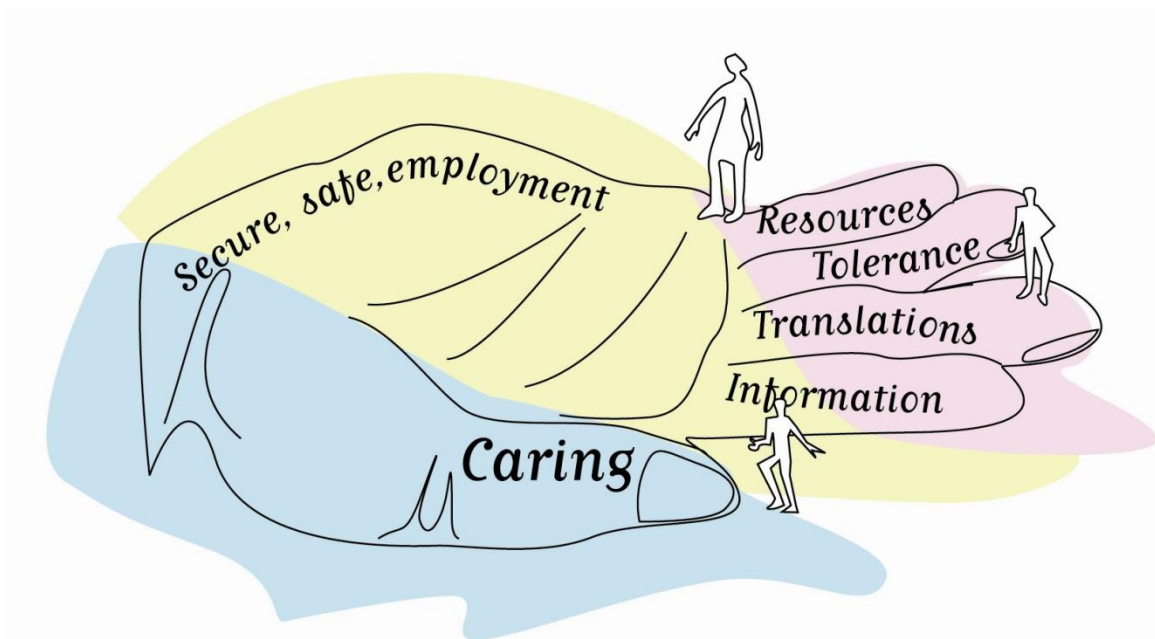
The WSIB should consider collecting information about the experiences of new immigrants when they access the workers' compensation system. Currently, there is no way to identify claimants as immigrants. This may be a barrier to the WSIB's understanding of how these workers are faring. If knowledge were gained about these experiences, then the WSIB could develop programs to better accommodate this population of newcomers.

Important free resources for immigrant workers and injured workers

Ontario Ministry of Labour or Ministry of Labour Health and Safety Contact Centre: To report unsafe work practices, injuries or incidents, or to enquire about general occupational health and safety, call 1-877-202-0008 or visit: www.labour.gov.on.ca

Ontario Labour Relations Board: The board offers legal help with respect to workers' rights under the *Occupational Health and Safety Act*. For help with appealing a Ministry of Labour inspection order, call 416-326-7500 (in Toronto) or 1-877-339-3335 (toll-free), or visit: www.olrb.gov.on.ca/english/homepage.htm

Toronto Workers' Health & Safety Legal Clinic: The clinic offers legal help for workers being punished by employers for refusing to do unsafe work. Call 416-971-8832 (in Toronto), or visit: www.workers-safety.ca



Workers' Action Centre: This is a worker-based organization committed to improving the lives and working conditions of people in low-wage and unstable employment. The centre provides training, information about rights and advocacy work. It also offers a workers' rights information line, available in multiple languages. Call 416-531-0778 (in Toronto), or visit www.workersactioncentre.org

The **WSIB website** has information in many different languages, including fact sheets about filing a claim, workers' rights, and health and safety information. Visit: www.wsib.on.ca

Factsheets for workers are available in different languages:
<http://www.wsib.on.ca/en/community/WSIB/230/ArticleDetail/24338?vnextoid=23c32ac8e5ed7210VgnVCM100000449c710aRCRD>

Office of the Worker Advisor: This office provides free legal advice and representation to non-unionized injured workers. Call 416-325-8570 (in Toronto) or 1-800-660-6769 (toll-free), or visit www.owa.gov.on.ca

Injured Workers' Consultants: This organization provides free legal advice and representation to injured workers. On-site staff speak French, Chinese, Italian and Spanish. Interpretation for other languages can be arranged. Call 416-461-2411 (in Toronto), or visit: www.injuredworkersonline.org/Organizations/iwc.html

Occupational Health Clinics for Ontario Workers (OHCOW): This organization includes nurses, doctors and other health-care practitioners who provide occupational health services, information and medical diagnoses for work-related problems. Call 416-449-2411 (in Toronto) or 1-888-569-3800 (toll-free), or visit: www.ohcow.on.ca

If you are interested in reading the full study report, you can find it on the Institute for Work & Health website at:
www.iwh.on.ca/immigrant-workers-experiences-of-injury-reporting-and-claim-filing

The Institute for Work & Health (IWH) is an independent, not-for-profit research organization. The Institute has been described as one of the top five occupational health and safety research centres in the world.

At IWH, our goal is to protect and improve the health of working people by providing useful, relevant research. We conduct and share research with policy-makers, workers and workplaces, clinicians, and health and safety professionals.



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